

REMARKS

Claims 1 to 25 are now in the application. By this Amendment, claim 24 is amended in independent form. In addition, claim 24 has been amended along with claims 23 and 25 to correct informalities Applicants discovered during the preparation of this Response and not to limit their scope. No new matter has been added.

Applicants appreciate the indication of the Office Action that claim 25 is allowed and that claim 24 is allowable if amended in independent form including all the features of the base claim and any intervening claims. Applicants base the amendment of claim 24 on this indication of allowability.

The Office Action objects to the specification because it does not contain a brief description of the drawings. The specification has been amended to obviate this objection.

Claims 1-13, 17, 18 and 20-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Krill et al. (US 2003/0040645). Claims 14-16 and 19 have been rejected as being unpatentable over Krill in view of Brocker et al. (U.S. 6,150,564).

Claim 1 recites, among other features, a process for preparing tetrahydrogeranylacetone comprising I. an aldol condensation, and II. the hydrogenation of the condensate. Claim 2 recites that steps I. and II. are carried out separately and successively. At least these features cannot reasonably be considered to be suggested in Krill.

Krill suggests, at paragraph [0032], that it is “important that the process according to the invention is utilized as a two-phase process ... by co-aldolization of aldehydes ... with acetone under hydrogenation conditions.” (Emphasis added). Specifically, an acetone phase is provided over a water phase and the two phases are kept under a blanket of hydrogen gas. Such a suggestion teaches away from the subject matter of this application because Krill suggests that it is important to perform the aldolization under hydrogenation conditions. Thus, a skilled artisan would not have been motivated to conduct the process of Krill in two successive steps.

The Office Action asserts that it would have been obvious to conduct the process of Krill in two successive steps when a purer tetrahydrogeranylacetone is desired. However, this assertion cannot be reconciled with the teaching away explicitly stated in Krill, as discussed above. In addition, the Office Action fails to provide evidentiary support for this assertion.

Applicants' disclosure sets forth, at page 1, lines 40-42, that a yield of 89.5% is insufficient for an industrial scale process. Krill, however, suggests, at paragraph [0116], that the yield of 6,10-dimethylundecan-2-one in the citral conversion is only 89.2%. Further, the process in Krill even results in the formation of unsaturated derivatives.

Krill suggests, at paragraph [0056], using methyl isobutyl ketone as an additional solvent to boost the yield. No additional solvent is recited in claim 1. Thus, a skilled artisan would assume that without the addition of methyl isobutyl ketone the above-mentioned yield in the citral conversion is even lower. However, the use of an additional solvent teaches even further away from the subject matter of the pending claims because a skilled artisan would not attempt to modify the process of Krill by leaving out additional solvent because Krill suggests that this reduces the yield.

The Office Action relies on Brocker for allegedly suggesting features of dependent claims 14-16 and 19. Brocker is not applied in a manner to cure the deficiencies of Krill as discussed above.

In view of the above, Applicants believe the pending claims are in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 12810-00274-US1 from which the undersigned is authorized to draw.

Dated: February 5, 2008

Respectfully submitted,

Electronic signature: /Burt A. Amernick/

Burt A. Amernick
Registration No.: 24,852
CONNOLLY BOVE LODGE & HUTZ LLP
1875 Eye Street, N.W., Suite 1100
Washington, DC 20006
(202) 331-7111
(202) 293-6229 (Fax)
Attorney for Applicant